IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 33661 of 2007(G)

PETITIONER:

DILEEP KUMAR.K.,
AGED 48 YEARS, S/O.KUNJUKRISHNAN
RESHMANDAM, THOTTAKKADU, KARAVARAM VILLAGE,
TRIVANDRUM DISTRICT WORKING AS HEAD CONSTABLE
(T-5737) VARKALA POLICE STATION, VARKALA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. **INSPECTOR GENERAL OF POLICE**
   THIRUVANANTHAPURAM.

2. **DEPUTY INSPECTOR GENERAL (REGIONAL)**
   SOUTHERN REGION, THIRUVANANTHAPURAM.

3. **CITY POLICE COMMISSIONER,**
   THIRUVANANTHAPURAM.

4. **VINCENT,S/O.CHELLAPPAN,**
   V.S.BHAVAN,KANAKODE,AMBALATHNKALA,
   VIA-KATTAKADA,TRIVANDRUM DISTRICT
   (HEAD CONSTABLE (T-5641),ARYANADU POLICE STATION,
   TRIVANDRUM DISTRICT).

5. **DEPARTMENTAL PROMOTION COMMITTEE,**
   REPRESENTED BY INSPECTOR GENERAL OF POLICE
   TRIVANDRUM (RANGE) NANDAVANAM,
   TRIVANDRUM 600 001.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

V.GIRI,J.

W.P (C) No. 33661 of 2007

Dated this the 21st November, 2007

J U D G M E N T

The petitioner is a Head Constable in the Police Department. By Exhibit-P5, the Commissioner of Police, Thiruvananthapuram City published the list of persons who were provisionally promoted as Head Constables. Petitioner's name is shown as Rank No. 225. One Sri. Vincent who as per Exhibit-P5 is junior to the petitioner is included as Rank No.227.

2. By Exhibit-P6, the Deputy Inspector General of Police published the provisional seniority list of Head Constables for the period from 1.8.2003 to 31.12.2007, the petitioner is not included therein. The petitioner continues as a Head Constable. Sri. Vincent who was junior to the petitioner is shown as Sl. No.524, as per Exhibit-P6. Petitioner filed objection to Exhibit-P6 on 5.8.2004 as Exhibit-P7. As noted above, the final seniority list of Head Constables in the Thiruvananthapuram City is yet to be published. In the meanwhile, the Departmental Promotion

Board for preparing the select list of Head Constables (General Executive) for promotion to the post of Assistant Sub Inspectors in the Trivandrum Range for the year 2007 was proposed to be held very shortly. A list of Head Constables who are in the field of choice was published as per Exhibit-P8 by the Inspector General of Police, Thiruvananthapuram Range and communicated to several persons in the Thiruvananthapuram District. The petitioner submitted Exhibit-P9 on 3.11.2007 before the Inspector General of Police requesting that he also be included in the list. Since no action is taken, he has approached this Court.

3. In my view, the eligibility of the petitioner to be considered for promotion to the post of Assistant Sub Inspector of Police depends upon the finalisation of the seniority list of Head Constables. Apparently the provisional list was published in 2004.

4. I heard the learned counsel for the petitioner and the learned Government Pleader. In the circumstances, it is only appropriate that the petitioner be

provisionally considered for promotion to the post of Assistant Sub Inspect of Police. In this regard, subject to the finalisation of the seniority list of Head Constables in Trivandrum Range for the period from 1.8.2003 to 31.12.2007, petitioner's case also shall be considered by the Departmental Promotion Board. If by any chance, the DPB has already met and published the select list, appropriate steps may be taken in this regard by the Inspector General of Police to forward the name of the petitioner also so that he could be considered by the next DPB. This shall be done by the 1st respondent without any further delay, at any rate, within a period of one month from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition also before the 1st respondent. It is made clear that the direction to the 1st respondent to forward the name of the petitioner to be considered by the DPB for the selection to the post of Assistant Sub Inspector of Police will be subject to the inclusion of the petitioner in the list of eligible Head Constables, to be finalised pursuant to Exhibit-P6.

Needless to say the objections raised by the petitioner as regards Exhibit -P6 shall also be considered by the 1st respondent before finalisation of the seniority list of Head Constables.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007